

08/14/01

Express Mail Mail Label No. EM401140654US

UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

CPC-003CPCN2

First Named Inventor

Biondi

Title

Ventilator Control System and Method

APPLICATION ELEMENTS

ADDRESS TO: Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 202311. ☒ Fee Transmittal Form2. ☒ Small Entity Status☐ Applicant claims small entity status☒ Status established in prior application and is still proper and desired3. ☒ Specification and Drawings [Total Pages 58]

- Written Description - (36 pages)

- Claims - (5 pages)

- Abstract - (1 page)

- Coversheet - (1 page)

- Sheets of Drawings - (15 sheets)

☒ Formal☐ Informal4. ☒ Oath or Declaration [Total Pages 20]a. ☐ Newly executed (original)b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)

[Note Box 5 below]

5. ☒ Incorporation by Reference (usable if Box 4b is checked)

The entire Disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☒ Application Data Sheet [Total Pages 3]7. ☐ Nucleotide and/or Amino Acid Sequence Submission☐ Computer Readable Copy☐ Paper Copy (identical to computer copy)☐ CD (identical to computer copy)☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)☐ Power of Attorney9. ☐ English Translation Document (if applicable)10. ☒ Information Disclosure Statement (IDS)/PTO-1449☒ Copies of IDS Citations

(AA-ABE, BA-BI, and CA-CL)

11. ☒ Preliminary Amendment [Total Pages 24]☐ Drawings [Total Sheets]☐ Letter to Official Draftsperson Including Drawings [Total Pages]12. ☒ Return Receipt Postcard13. ☐ Certified Copy of Priority Document(s)14. ☐ Deletion of Inventor(s)
Signed statement attached deleting inventor(s) named in the prior application.15. ☐ CD in duplicate for large table or computer program.16. ☐ Other:17. ☒ If a CONTINUING APPLICATION, amend the specification by inserting on page 1, before the first line, the sentence:

-This is a

☒ continuation of prior application U.S. Serial No. 09/660,820, filed on September 13, 2000, which is a continuation of U.S. Serial No. 09/045,461, filed on March 20, 1998, now U.S. Patent No. 6,158,482, which is a continuation-in-part of U.S. Serial No. 08/569,919 filed December 8, 1995, now U.S. Patent No. 5,931,160.

Priority to the above application(s) is claimed under 35 U.S.C. 120.

Prior application information: Examiner: Not yet assigned. Group/Art Unit: 3761.

18. ☐ Priority - 35 U.S.C. 119☐ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.☐ The certified copy has been filed in prior U.S. application Serial No. _____/_____ on _____.☐ The certified copy will follow.

CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

SIGNATURE BLOCK

Date: August 14, 2001
Reg. No. 44,244
Tel. No.: (617) 248-7044
Fax No.: (617) 248-7100Respectfully submitted,
Ronda P. Moore, D.V.M.
Atty/Agent for Applicant(s)
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110

2125548

BET
2:6:02
#4/PRE
Amor
A

FEE TRANSMITTAL

FY 2001

Complete if Known

Application Serial Number	Not yet assigned
Filing Date	Herewith
First Named Inventor	Biondi
Group Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket No.	CPC-003CPCN2

METHOD OF PAYMENT

1. ☒ Payment Enclosed:
☒ Check ☐ Money Order ☐ Other

2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.

- ☐ Required Fees (copy of this sheet enclosed).
☒ Additional fee required under 37 CFR 1.16 and 1.17.
☒ Overpayment Credit.

3. ☒ Applicant claims small entity status.

FEE CALCULATION

1. FILING FEE

Large Entity

Fee (\$)	Fee Description	Fee Paid
710	Utility filing fee	\$710.00
320	Design filing fee	
150	Provisional filing fee	

	Number Filed	Number Extra	Rate	Amount
Total Claims	10	- 20 = 0	x \$ 18.00 =	\$0.00

	Number Filed	Number Extra	Rate	Amount
Independent Claims	2	- 3 = 0	x \$ 80.00 =	\$0.00

☐ Multiple Dependent Claim(s), if any \$270.00 =

TOTAL: \$710.00

SMALL ENTITY DISCOUNT: -\$355.00

SUBTOTAL (1) (\$) \$355.00

2. AMENDMENT CLAIM FEES

	Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
Total	28	- 20 =	8	x \$ 18.00 =	\$144
Indep.	11	- 3 =	8	x \$ 80.00 =	\$640

☐ First Presentation of Multiple Dep. Claim + \$270.00 =

TOTAL: (\$) 784

SMALL ENTITY DISCOUNT: (\$) -392

SUBTOTAL (2) (\$) 392

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for reexamination	
110	55	Extension for reply within first month	
390	195	Extension for reply within second month	
890	445	Extension for reply within third month	
1,390	695	Extension for reply within fourth month	
1,890	945	Extension for reply within fifth month	
310	155	Notice of Appeal	
310	155	Filing a brief in support of an appeal	
270	135	Request for oral hearing	
130	130	Petitions to the Commissioner	
50	50	Petitions related to provisional applications	
180	180	Submission of Information Disclosure Statement	
710	355	Filing a submission after final rejection (37 CFR 1.129(a))	
710	355	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (Specify)

Other fee (Specify)

SUBTOTAL (3) (\$)

SUBTOTAL (1) \$355.00

SUBTOTAL (2) \$392.00

SUBTOTAL (3)

TOTAL (\$) 747.00

CORRESPONDENCE ADDRESS

Direct all correspondence to:

Patent Administrator
 Testa, Hurwitz & Thibault, LLP
 High Street Tower-125 High Street
 Boston, MA 02110
 Tel. No.: (617) 248-7000
 Fax No.: (617) 248-7100

SIGNATURE BLOCK

Respectfully submitted,

Ronda P. Moore, D.V.M.
 Ronda P. Moore, D.V.M.
 Attorney for the Applicants
 Testa, Hurwitz & Thibault, LLP
 High Street Tower-125 High Street
 Boston, MA 02110

Date: August 14, 2001
 Reg. No.: 44,244
 Tel. No.: (617) 248-7044
 Fax No.: (617) 248-7100